IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.5611 OF 2001

SSI Co-operative Flatted Estate Ltd.& Anr. ...Petitioners.
Vs.
SICOM Ltd. & Ors. ...
Respondents.

....

Mr. P. K. Dhakephalkar for the Petitioners.
Mr. A. Kamat i/b. M/s.A. Mehta Laljee & Co. for Respondent No.1.
Mr. V. P. Malvankar, AGP for Respondent No.2 and 3.

.....

CORAM : F.I REBELLO AND
DR.D.Y.CHANDRACHUD, JJ.

February 22, 2006.

P.C.

Pursuant to the order of this Court dated 27th November 2001, SICOM was directed not to take action against 174 Gallas. There were totally 346 Gallas. In other words, in respect of 174 Gallas action could be taken. In terms of the Chart handed by the Learned Counsel of SICOM, some Gallas have settled their dues by one time settlement. Of those who have not settled, 59 Gallas have been sold and 12 Gallas are yet to be sold.

In so far as 174 Gallas in respect of which SICOM was directed not to proceed, the Learned Counsel pointed out that 67 Gallas have been released and that under dispute are 107 Gallas.

The Learned Counsel for the Petitioners, on the last occasion, has sought time to take instructions. When the matter comes up today, the Learned Counsel pointed out that though he called for instructions, he has not received till today.

Considering that these are dues of financial institution and as of today, the dues are about Rs.9 crores, we do not think that this is a fit case in which this Court should exercise extraordinary jurisdiction as the matter has been pending since 2001. In the light of that, interim order dated 27th November 2001, in so far as 174 Gallas stands vacated. As the Learned Counsel for the Petitioner is unable to advance any further arguments on account of no instructions, the petition is dismissed.

(F.I. Rebello, J.)

(Dr. D.Y. Chandrachud, J.)